Resolution #TC-1971 Approval of March 2011 Meeting Minutes

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of March 16 & 17, 2011 are hereby approved as published in the official agenda of the April 20 & 21 Meeting.

Transportation Commission of Colorado Regular Meeting Minutes March 16 & 17, 2011

Chairman Les Gruen convened the meeting at 9:35 a.m. in the auditorium of the headquarters building in Denver Colorado.

PRESENT WERE: Les Gruen, Chairman, District 9

Steve Parker, Vice Chair, District 8

Trey Rogers, District 1

Jeanne Erickson, District 2

Gary Reiff, District 3 Heather Barry, District 4 Bill Kaufman, District 5

Doug Aden, District 7

Gilbert Ortiz, Sr., District 10 Kimbra L. Killin, District 11 Herman Stockinger, Secretary

ALSO PRESENT: Don Hunt, Executive Director

Peggy Catlin, Deputy Executive Director

Pam Hutton, Chief Engineer

Jennifer Finch, Director of Transportation Planning

Ben Stein, CFO

Heidi Bimmerle, Director of Admin and Human Resources

Stacey Stegman, Public Relations Director

Mark Imhoff, Division of Transit and Rail Director

Mike Cheroutes, HPTE Director

Casey Tighe, Audit Director

Scott McDaniel, Staff Services Director

Dave Gordon, Aeronautics Director

Tony DeVito, Region 1 Transportation Director

Tim Harris, Region 2 Transportation Director

Dave Eller, Region 3 Transportation Director

Johnny Olson, Region 4 Transportation Director

Mike McVaugh, representing Region 5 Transportation Director

Reza Akhavan, Region 6 Transportation Director

Harry Morrow, Chief Transportation Counsel

John Cater, FHWA

Vince Rogalski, Statewide Transportation Advisory

Committee (STAC) Chairman

Dave Wieder, Maintenance and Operations Branch Manager

AND: Other staff members, organization representatives, the public and the news media

Two audiotapes of the meeting were made and supporting documents are filed in the Transportation Commission office.

Audience Participation

Chairman Les Gruen stated that Mayor Jack Morgan of Idaho Springs was present and had signed in to speak. Mr. Morgan addressed the Commission and said that he wanted to thank the Commission for allowing him to speak in regards to I-70 and the City of Idaho Springs and introduced himself stating that he had been the mayor of Idaho Springs for about a year and a half and was a retired executive from the consumer electronics industry. He stated that he was a 30 year resident of Idaho Springs and had done a lot of commuting in his lifetime. He had been an active participant in the I-70 corridor discussions and felt he represented the "new" Idaho Springs and their attitude toward CDOT. He mentioned he had been working with Tony DeVito and his staff on a weekly basis in an attempt to accomplish what can be done. He declared that he wanted to read from text and was asked to keep his remarks to 3 minutes. He stated that they had discussed the safety issues on I-70 and that there had been 650 accidents investigated by the Idaho Springs Police Department and the Colorado State Patrol and that these accidents are a huge safety issue. He stated that he was there to appeal to the Commission to appropriate the necessary dollars to widen the tunnels and felt for sure that the tunnel was a real problem leading to the traffic backups. Mr. Morgan stated that the tunnel design gives the impression of going into a hole and causes braking and that if the tunnel entrance was improved it would alleviate some of the problems.

Commissioner Aden asked Mayor Morgan if the city of Idaho Springs would be open to the idea of hard shoulders through Idaho Springs to the Empire Junction as part of the effort to provide a short term fix to the I-70 problem. Mayor Morgan stated that he and the support he has from the people of the community would be interested in looking into the issue and that the consensus of the community is that the old timers feel like CDOT abused them in the original alignment of I-70 because they tore down much of the town and moved Clear Creek and he felt there would still be some push back from that. He stated he was hesitant at this time and that the town doesn't want CDOT to take any more of the city. He declared if the hard shoulder work could be done to the south of the I-70 right of way it would be a good thing but, encroaching more into the city would be a problem.

Chairman Gruen stated that a letter from Mr. Ken Katt had been received by all Commissioners expressing his views on the I-70/Twin Tunnels issue.

Individual Commissioner Comments

Commissioner Aden stated that he had attended the Grand Valley MPO meeting and that he wanted to thank Peter Kosinski from the I-70 team who came over as part of outreach to those stakeholders so that they understand what is going on with the I-70 corridor. He confirmed that Peter's presentation on the Tunnel Visioning process was appreciated. Commissioner Aden reported that he had lunch with Bonnie Peterson the new president of Club 20 and that Transportation is a very important issue to Club 20 and they have been a strong ally who needs to continue to be kept in contact with.

Commissioner Parker stated that he attended the San Luis Valley TPR meeting by phone and that he planned to stop by and visit them in the next few weeks. He reported that he wanted to welcome two visitors to the meeting from Southwest Colorado. He gave a nod to Mike McVaugh, representing Richard Reynolds and Carrie Neat, an environmental planner for Region 5. He declared that he was glad these two representatives had made it to the Transportation Commission Meeting safely.

Chairman Gruen stated that he, Commissioner Parker and Commissioner Barry along with Executive Director, Don Hunt, Mickey Ferrell, Ben Stein and Stacey Stegman had gone on the annual visit to Washington, DC and that the trip had been wonderful. He declared that the advance work done by Mickey Ferrell was phenomenal and that the group had great success and it underscored the esteem that CDOT is held in on a national basis. Commissioner Gruen declared that the entire staff deserves a lot of credit for this national reputation. He stated that Director Hunt spoke to the Pikes Peak Area Council of Governments board meeting and his comments were extremely well received in an area that comments aren't always well received. He thanked Mr. Hunt for visiting that area of the state so quickly after his appointment to his position.

Executive Director's Report

Director Hunt stated that he had jumped in with both feet in an attempt to get a feel for what was going on around the state. He reported that he had attended every meeting that had been requested of him that he could make and listed them:

Cabinet Director, Al White for Tourism

- a partner to CDOT with the Byway Program and signage program
- > some requests have been met with additional signage to Historic Sites

Cabinet Official, Kristin Russell, Secretary of Technology

- > IT operations have been consolidated with them
- ➤ A good relationship is needed going forward
- ➤ Early issues identified as the Governor has traveled around is the lack of Broadband capacity in some remote portions of the state
- CDOT has fiber, but only on the I-70 corridor
- > CDOT will be a partner in the process of installing more fiber on other corridors

Region 1 Visit

Mountain Corridor discussions

Region 6 Visit

> Denver Urban Issues

The Artist Christo

- > The Over the River Project in 2013
- > Colorado Tourism
- ➤ Challenge to CDOT for Safety

The I-70 East Corridor

- > Convergence of opinions
- > Denver/Commerce City and the alignment for I-70 East
- > Meeting with Mayor Vidal to discuss the issues

Collaborative team Meeting for I-70 East

- Leaning towards keeping I-70 on the existing alignment
- > Long ways to go to get to the preferred alternatives
- > Opinions are coalescing in the challenging Environmental Impact statement
- > I-70 viaduct is recognized as the most challenging project for the future

Region 2 Visit

- Pueblo Visit
- > Colorado Springs Visit
- PPACG Board Meeting

Employee Events -Mardi Gras Potluck event at Region 6 Action 22 reception in SE Colorado Colorado Asphalt Pavement Dinner and Awards Program

Women in Transportation Seminar -Woman of the Year Event

> CDOT's own Pam Hutton was Honored by the group as Woman of the Year

Metro Association of County Commissioners Confirmation Hearing at Senate Spoke at Aurora Day Traveled to Washington DC for 4 days

Mr. Hunt mentioned there would be upcoming meetings at all Regions and meetings in Clear Creek County. He concluded his report and stated that he wanted to express his appreciation to Commissioners Erickson, Reiff and Rogers and their response to DRCOG in regards to the recently voted on project at Peoria. He declared that their advice to the group at DRCOG was that they need to follow the prescribed process in the future and he confirmed that the way they handled the group was appreciated.

High Performance Transportation Enterprise (HPTE) Director's Report

HPTE Director, Michael Cheroutes, declared that he wanted to run through the agenda that the Enterprise had been pursuing over the last month. He reported that 80% of the Enterprise's time is being spent on the US 36 project, segments one and two and that they are up and off the ground and exploring ways to get the rest of the road built. He stated that CDOT is about to issue a request for letter of interest for companies who

had an interest in participating in a design build bidding process for the project. He declared that from all indications there is a lot of interest in participation. He reported that the HPTE board had been invited to participate in the C-470 collaborative process which is underway and that he feels the project will roll out very quickly. Mr. Cheroutes confirmed that the HPTE had been invited to participate with I-70 Coalition group in looking at financing for the ROD project that is about to emerge and that it will possibly include the Twin Tunnel project. He mentioned that Jefferson Parkway and, Powers Boulevard in Colorado Springs had been having some activity. He concluded by saying that things are going well.

FHWA Division Administrator Report

John Cater delivered a report on the following topics:

National Level

- > SAFETEA-LU has been extended through the end of the fiscal year
- > Ability to spend funds through September 30, 2011
- > Appropriations bill will expire March 18, 2011
- > Expected to be extended for 3 weeks

FHWA is taking a look at streamlining the regulations

- > Inefficiencies
- > Technology upgrades
- ➤ Meeting with CDOT staff
- > Asking for suggestions of regulations that need to be changed
- > Contact John Cater to suggest ideas
- > Go to the FHWA website: DOTREGREVUE.IDEASCALE.COM to enter ideas

USDOT launched a new website

- > It is a You Tube site
- > The project highlighted is T-REX in Denver
- > Shots of construction
- > Facebook Page

STAC Report

Vince Rogalski mentioned that the STAC had its regular meeting on Friday, March 11, 2011 and discussed the following items:

Federal and State Legislative Update with Mickey Ferrell

- > Authorization Bill
- > Gas Tax off of the table
- > Congress interested in curbing spending
- > No transfers to the HUTF

2035 Draft for the Statewide Planning Amendment

> 7 comments received

Budget Discussion

- > \$15M Short
- > Shortfall will have to come out of Surface Treatment
- > STAC had no recommendations
- > Further discussion at April Meeting

2012 -2017 Draft STIP

> STAC recommended approval of release of the Draft STIP

TRAC (Transit and Rail Advisory Committee) Update

- > Chairman Ann Rogeski
- Vice Chairman- Michael Penny
- > Regular Meetings to be held after STAC meeting each month
- > Mark Imhoff gave update on Studies
- > State plan for Rail is underway
- > Connectivity Study
- > Transit providers are seeing an increase because of gas prices

Chief Engineer Report

Chief Engineer Pam Hutton mentioned that former Chief Engineer, Craig Siracusa, was in the audience. Then she delivered the following update to the Commission:

SUMMARY

- FASTER Safety
- CE Objectives
- R1 International Road Federation Award
- Final PEIS I70 West
- CAPA Awards

FASTER Safety

- Status
 - 85% of FY10 and FY11 funds are budgeted
 - All 135 FY10 and FY11 planned projects will be in design or advertised by June 30
- FY10 54 planned projects
 - Remaining 2 to be advertised in spring
- 'FY11 81 planned projects
 - 29 scheduled for advertisement this spring
- Progress from February to March in a chart

CDOT Performance

- Chief Engineer Objectives
 - On Time and On Budget

- Program Delivery
- Contract Award and Estimating
- Disadvantaged Business Enterprise
- Annual Areas of Emphasis Employee Safety, Water Quality
- Sample Key Performance Indicators (KPIs)
 - Design on Time
 - Construction on Time
 - Construction on Budget
 - % MLOS Funds Expended YTD (Program Delivery)

Process

Consensus of PE III Working Group (each region represented), Chief Engineer,
 DTD's Performance and Policy Unit, Staff Branches

■ In Progress

- Quarterly reporting to Chief Engineer
 - oEx. Construction on Time for 2nd Quarter
 - Objective: 80 % of projects shall be completed on time
- Dashboard development of objectives

R1 Receives International Road Federation Award

- Berthoud Pass Mountain Access Project
- 2010 Global Road Achievement Award for Environmental Mitigation

Pam presented the award to Tony DeVito as he was unable to travel to Washington, D.C. to accept it in person. Tony spoke to the group stating that the Award was made possible by the team at Region 1 and he highlighted the following team members that were instrumental in the project: Brian Pinkerton, Ina Zisman, Grant Anderson, Brian Gilbert, Yenter Contractors, Lawrence Constructers, Ben Acimoniv and thanked everybody for the award. Pam Congratulated Tony and Region 1.

I 70 PEIS

- Final PEIS issued!
 - Signed by FHWA and CDOT in February
- Keys to Success
 - Early Stakeholder involvement
 - The Right Team CDOT, FHWA
 - I70 Mountain Corridor CSS Process
 - Project Management

Colorado Asphalt Pavement Association Awards

- CAPA Celebrating Quality Achievement Awards
 - 16 projects recognized as "Best in Colorado".
 - 5 projects were recognized with an Environmental Sustainability
 Commendation
 - 8 companies received the coveted CDOT Quality in HMA Production Awards
- CDOT Projects:

- R2 Best overall quality, urban highway I25 thru Pueblo, LaFarge
- R2 Best overall quality, rural highway US 50 Chico Creek, Rocky Mt Materials and Asphalt
- R3 Best overall quality, rural highway SH14 Muddy Pass, LaFarge
- R3 Best overall quality, rural highway I70 Glenwood East and West,
 Elam
- R3 Smoothest new/reconstruction SH14 Muddy Pass, LaFarge
- R3 Preventive Maintenance Overlay, SH82 Basalt, Grand River Construction
- R4 Best overall quality, rural highway I-25 rubblization, Coulson Excavating
- R6 Smoothest resurfacing I70 Median Barrier, Brannan Sand and Gravel

Committee Reports

Efficiency and Accountability

Commissioner Jeanne Erickson mentioned that she had been asked to deliver the report:

The Committee met the New CDOT Executive Director, Don Hunt

- Discussed challenges the Committee is facing
- > Defining its role at CDOT

Review of Draft Report on Access Permit Fees

- Questions on appropriate fees to charge
- > How should fees be established

Future Topics for Review

- > Energy Use
- > CDOT Efficiency in Fuel use
- > Accountability on Fuel Consumption

Topics for the March 18, 2011 Meeting

- > Governor's Order on Greening Government
- > Communications

Transit and Intermodal Committee

Commissioner Erickson delivered the following report on the Transit and Intermodal Committee Meeting that was held on Wednesday, March 16, 2011:

➤ We had a very full agenda, with six items. We heard a report on the status of various studies. The State Rail Plan is underway. The Interregional Connectivity Study, which will examine how a high speed rail line could connect with RTD's FasTracks lines. A major component of the study will be a ridership analysis, because there have been concerns about getting reliable ridership estimates. The AGS (Advanced Guideway System) study will come a

bit later and will be closely coordinated with the Connectivity Study. The AGS study will be very unique in that it will solicit active involvement from rail vendors, not just consultants, for example: what's feasible on the I-70 corridor.

- ➤ DTR and the Regions are working together to handle the management of the FASTER transit projects. One issue presented to us was the protocol that should be used if a FASTER grant recipient wants to change the scope of their project or change sponsorship. We agreed to use an arrangement used with the SB 1 program: minor changes can be approved by DTR, more substantive changes would be approved by the T&I chair, and major changes would go to the Committee and potentially to the Commission.
- DTR reported that FTA funds for buses and bus facilities used to come to Colorado through a single Congressional earmark. In 2010 the earmarks were reduced greatly and for 2011 there will be no earmark. The funds instead go to the FTA, which sets up competitive "boutique" programs and issues multiple calls for projects. States are asked to submit applications on behalf of rural projects. DTR and CASTA are working together to have a better response to the calls than last year and be better prepared. DTR is proposing to prioritize those rural projects, because the FTA prefers that. The Committee liked this plan.
- ➤ We were informed that the Transit and Rail Advisory Committee has held three meetings thus far, mostly establishing themselves, agreeing on a vision, purpose, and logistics, and electing a chair and vice chair. Within the next few months TRAC and our committee will conduct a joint meeting.
- > We heard a report on the progress of the development of a business plan for FREX and particularly about them examining their "deadheading" issue.
- ➤ DTD made a presentation on a nationwide study of traffic by the Texas Transportation Institute, which showed considerable resources being lost to congestion. Data showed that Denver, Boulder and Colorado Springs with more time spent in congestion than comparable U.S. cities.

DBE Committee

Commissioner Barry delivered the following report on the DBE Committee Meeting held on Wednesday, March 16, 2011:

The Center for Equal Opportunity presented the DBE Monthly Report as of January 2011.

- > The overall DBE participation is 13.7% of \$116 million in prime contracts.
- ➤ \$5 million of that DBE participation is through race-neutral participation...meaning that DBEs are participating at that level outside of a project DBE goal.

There was a request from a minority business owner for information about how many different DBEs make up that participation.

> This information will be presented at the next DBE committee meeting along with how CDOT is working to diversify and increase the number of DBEs that are successful as prime and subcontractors on our projects.

Staff also provided an update on progress towards implementing improvements in CDOT's Emerging Small Business Program.

- A resolution will be presented to the full Transportation Commission today to begin the formal rule-making process to make significant changes to the Emerging Small Business program.
- > The staff has held a number of meetings with the business community to educate them on the proposed changes, the rule making process, and encouraging their full participation in the public process.

Staff also followed up with the DBE Committee regarding their recommendation to set an aspirational goal for the Colorado Bridge Enterprise Program and HPTE Program.

- After discussions with the several DBE focused business organizations and discussions with CDOT management, they are recommending a 15% aspirational goal for these programs.
- > They will bring forward resolutions to the Colorado Bridge Enterprise and HPTE Boards during April.

Other issues that were raised by the DBE and ESB business owners at the meeting will be followed up and addressed by staff.

Audit Committee Meeting March 16, 2011

The Committee approved the 2012 annual work plan for both the internal and external audits. In next year's work plan, an emphasis will be placed on auditing construction project payments. The Division will also be looking at procurement card purchases and other large volume purchases.

We reviewed a report on the High Performance Tolling Enterprise financial information for 2010. The report found that overall the HPTE is properly accounted for its revenues and expenditures. There was one finding related to the incorrect classification of an expenditure. That issue has been resolved. Over the years, the accounting for enterprise activities has consistently improved.

The Committee received an update from the Chief Engineer on resolution of some open audit recommendations. The Audit Committee is emphasizing the need to resolve open audit recommendations in a timely manner. The Chief Engineer provided the Committee with a plan to close some of the older audit issues.

Act on Consent Agenda

Chairman Gruen stated that the next item on the Agenda was the Consent Agenda. He declared that there were 5 items on the Consent Agenda and that the Commission was going to strike Item E: "Approval of Revision of Policy Directive Number 10.0, entitled Workplace Violence, including Domestic Violence in the Workplace."

Chairman Gruen then asked for a motion of approval on item A through D on the Consent Agenda. Commissioner Aden motioned for approval of the Consent Agenda as amended for items A through D and Commissioner Kaufman seconded the motion. On a vote of the Commission, the stated motions were unanimously approved.

Approve the Special & Regular Meeting Minutes of February 16 & 17, 2011

Resolution #TC-1959

BE IT HEREBY RESOLVED, that the Transportation Commission's Special and Regular Meeting Minutes of February 16 & 17, 2011 are hereby approved as published in the official agenda of the March 16 & 17, 2011 meeting Agenda.

Resolution # TC-1960

Resolution to Approve STIP Policy Amendment Package for Amendment #35

Approved by the Transportation Commission on March 17, 2011

WHEREAS, the Colorado Transportation Commission has statutory authority pursuant to 43-1-106, C.R.S. to approve, accept, and amend various planning documents resulting from Section 135 Title 23 of the USC, and 43-1-1101 through 1105 C.R.S.; and

WHEREAS, the Commission adopted the 2008 – 2013 Statewide Transportation Improvement Program (STIP) in March, 2008; and

WHEREAS, the STIP is occasionally amended due to significant changes in project scope or projects need to be programmed in or out of the first four years of the STIP, thereby requiring a policy amendment to the STIP; and

WHEREAS, the Section 450 Title 23 of the CFR requires a public process be implemented for review and comment on proposed policy amendments, as well as Transportation Commission approval of said amendments; and

WHEREAS, the public process for the policy amendments set before the Commission for the month of Amendment #35 was provided from February 14, 2011 through March 16, 2011, and no comments were received; and

WHEREAS, it is requested that the Transportation Commission approve these policy amendments to the STIP, which are detailed in the attached table, and direct staff to forward this approval to the Federal Highway Administration and the Federal Transit Administration for concurrence.

NOW, THEREFORE, BE IT RESOLVED, the attached STIP Policy Amendment package for Amendment #35 be adopted and forwarded to the Federal Highway Administration for concurrence.

BE IT FURTHER RESOLVED, after said concurrence is received from the Federal Highway Administration, staff from the CDOT Office of Financial Management and Budget will finalize the policy amendments in the STIP Database.

Herman Stockinger, Secretary

Resolution Number TC-1961 Release DRAFT FY2012 - FY2017 STIP for Public Review and Comment

Approved by the Transportation Commission on March 17, 2011

WHEREAS, the Draft Fiscal Year (FY) 2012-2017 Statewide Transportation Improvement Program (STIP) has been prepared in accordance with the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU); and

WHEREAS, 23 CFR 450.210, requires public comment on the proposed STIP; and

WHEREAS, the Colorado Department of Transportation has developed this draft STIP in coordination and cooperation with its various planning partners.

NOW THEREFORE BE IT RESOLVED that the Colorado Transportation Commission hereby releases the Draft FY 2012 – 2017 STIP to receive public review and comment through April 29, 2011.

Herman J. Stockinger III-Herman Stockinger, Secretary

Resolution #TC-1962 Policy Directive 1.0, entitled Policy and Procedural Directives

Approved by the Transportation Commission on March 17, 2011

WHEREAS, it is the statutory responsibility of the Transportation Commission of Colorado to set policies and establish rules for the Colorado Department of Transportation (CDOT); and

WHEREAS, the Commission has established policies relative to formulating policies and rules for consideration; and

WHEREAS, this policy directive has been revised to streamline and make the process for creating/updating and repealing CDOT Policy and Procedural Directives more efficient.

NOW, THEREFORE, BE IT RESOLVED, that Policy Directive 1.0, entitled Policy and Procedural Directives, is hereby adopted as submitted as the standard policy for use by CDOT.

Herman Stockinger, Secretary

Discuss and act on a Resolution for the approval of the 10th Budget Supplement

Ben Stein mentioned that he was requesting approval of the Budget Supplement and asked if there were any questions in regards to what was provided in the materials provided in the Agenda Booklet. Commissioner Aden stated that he forgot to ask about a couple of items. He asked Dave Eller about an item on page 43 requesting \$652,200 for the Regional Priority Program to be used for I-70 B. He reported that the information states that the ad date was in October and that the Construction estimate is \$11.1M. Commissioner Aden asked if the project was funded. Dave Eller said that the project had FASTER funding and RPP funding out of the 2012 and 2013 budgets. Dave clarified that the request was for design and right of way purchases. Commissioner Aden then asked what the reallocations in Eagle County shown on page 50 were. Ben Stein stated that there had been a discussion of the possibility of not treating 7th pot projects differently than other projects. Ben reported that there is a long-standing policy that any money to be used on a project in a strategic corridor has to be moved into the 7th Pot STIP number and these requests are to do that. Ben reminded the Commission that the subject was broached in the Workshop on March 16, 2011 to end the practice but, that at the moment the Procedural Directive required the reallocations. He stated that he would look forward to explore changes to the Procedural Directive. Ben stated that once the money is put into this fund it needs to be remembered even if the interchange isn't completed until 2018 and there is money left over. Ben said that then someone in 2018 will have to remember that RPP is in the fund and it would need to come back out. He stated there are some tracking and book keeping issues that are problematic with the current Policy. Commissioner Aden agreed that the Policy was a discussion for another day and that the money is going into the re-construction of the existing Eagle Interchange and Dave Eller agreed. Ben asked if there were any other questions and presented a PowerPoint on the changes for walk on.

Chairman Gruen asked for a motion of approval for the item and Commissioner Killin motioned for approval of the Budget Supplement. Commissioner Erickson seconded the motion. On a vote of the Commission, the 10th Budget Supplement was unanimously approved.

Resolution #TC-1963

BE IT RESOLVED THAT, the Tenth Supplement to the Fiscal Year 2010-2011 Budget is approved by the Transportation Commission.

Discuss and Act on the Resolution to approve the opening of the ESB rulemaking process

Heidi Bimmerle stated that the Resolution was included on page 65 in the Agenda Booklet and reported that Commissioner Barry had discussed the Resolution and the work that had been done on it during her DBE Committee Report. She confirmed that the staff in the Center for Equal Opportunity had done a significant amount of work in revising the Emerging Small Business Program and she requested approval of the Resolution to move forward in the formal rulemaking process.

Chairman Gruen asked for a motion of approval for the Resolution and Commissioner Barry made the motion. Commissioner Kaufman seconded the motion. On a vote of the Commission, the Resolution was unanimously approved.

Resolution #TC-1964

Emerging Small Business (ESB) Program Rulemaking Process

Approved by the Transportation Commission on March 17, 2011

WHEREAS, Section 43-1-106(8)(p)(I) C.R.S., authorizes the Transportation Commission of Colorado (the "Commission") to adopt rules and regulations to establish an emerging small business program to promote the participation of small business on CDOT construction, professional services and practice of research contracts; and

WHEREAS, in 1991, the Commission adopted the rules and regulations governing the administration of the Emerging Small Business (ESB) Program (the "Rules"); and

WHEREAS, the Colorado Department of Transportation ("CDOT") Center for Equal Opportunity (the "CEO") is the current administrator of the ESB Program; and

WHEREAS, the CEO has conducted internal analysis, research of other state best practices, and a disparity study within Colorado and found that the ESB program is underutilized and not driving small business participation on CDOT contracts; and

WHEREAS, the CEO has determined that extensive changes need to be made to the Rules in order to improve the ESB program so that it increases the opportunities for emerging small businesses to compete on CDOT construction, professional services and research contracts; and

WHEREAS, the CEO has submitted to the Commission a list of the proposed changes to the Rules and the Commission agrees with such changes; and

WHEREAS, the Commission must comply with the State Administrative Procedural Act 24-4-103 C.R.S., in order to amend the Rules; and

WHEREAS, the Commission has the authority to delegate authority to an Administrative Hearing Officer for the purposes of conducting the rule making hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations back to the Commission for its review and action concerning the promulgation of the rules.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes staff to take all necessary actions in accordance with the APA, § 24-4-103 C.R.S. to initiate rule-making for the purpose of promulgating the rules.

BE IT FURTHER RESOLVED, the Transportation Commission delegates its authority to conduct the rule-making hearing to a CDOT administrative procedures officer and hereby directs the Hearing Officer to prepare a complete record of the hearing and forward said record to the Transportation Commission for consideration and its adoption of the proposed rules.

Herman Stockinger, Secretary

Discuss and Act on the Resolution to approve the Transfer of Assets from CDOT to the Bridge Enterprise.

Ben Stein stated that the Resolution was located on page 67 of the Agenda and that it was a request to move J-18-S, J-18-T, and J-24-FSH as discussed earlier in the meeting. He requested approval of the Resolution if the Commissioners had no questions. There were no questions.

Chairman Gruen asked for a motion of approval for the Resolution and Commissioner Ortiz made the motion. Commissioner Rogers seconded the motion. On a vote of the Commission, the Resolution was unanimously approved.

Resolution #TC-1965

Transfer of Assets from CDOT to the Bridge Enterprise

Approved by the Transportation Commission on: March 17, 2011

WHEREAS, the following structures are part of the Region 2 bridge plan and are scheduled for pre-construction or construction activities in Fiscal Year 2011 as part of the Bridge Enterprise program,

J-18-S	I-25 ML NBND over Draw
J-18-T	I-25 ML NBND over Draw
L-24-F	SH 101 ML over Purgatoire River; and,

WHEREAS, pre-construction activities for structures J-18-S and J-18-T have been completed in the current fiscal year and the projects are scheduled for advertisement; and,

WHEREAS, pre-construction activities are scheduled to commence for structure L-24-F; and,

WHEREAS, in order to utilize Bridge Enterprise funding for completion of these projects, the ownership of the structures listed above must be transferred to the Bridge Enterprise; and,

WHEREAS, at the time of the conversion to GASB 34, which required state government to begin capitalization and depreciation of their infrastructure assets, roads, and bridges; the structures listed above were not included in CDOT's Fixed Asset Database, due to the historical cost of these structures falling below the capitalization threshold; and,

WHEREAS, the structures listed above carry no value according to CDOT financial records; and,

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes the staff to transfer the structures listed above to the Bridge Enterprise at no cost.

Herman Stockinger, Secretary

Herman J. Stocke

Discuss and Act on the Resolution to approve the release of the Bridge Enterprise Bonding Project List for inclusion in the FY' 08 – FY '13

Ben Stein reported that the request was to put the list out for public comment as was discussed at the Bridge Enterprise Workshop on March 16, 2011 and stated that the list of bridges was included in the Official Agenda. He declared that the action will help staff to get the Bridge Projects TIP'd and STIP'd which will reduce hold ups when the projects are ready to go.

Chairman Gruen asked for a motion of approval for the Resolution and Commissioner Aden made the motion. Commissioner Parker seconded the motion. On a vote of the Commission, the Resolution was unanimously approved.

Resolution # TC-1966

Resolution to Approve Initial Bridge Enterprise Bonding Projects for Inclusion in the FY2008-FY2013 STIP

Approved by the Transportation Commission: March 17, 2011

WHEREAS, the Colorado Transportation Commission has statutory authority pursuant to 43-1-106, C.R.S. to approve, accept, and amend various planning documents resulting from Section 135 Title 23 of the USC, and 43-1-1101 through 1105 C.R.S.; and

WHEREAS, the Commission adopted the 2008 – 2013 Statewide Transportation Improvement Program (STIP) in March, 2008; and

WHEREAS, the Section 450 Title 23 of the CFR requires all federally funded transportation projects be included in the STIP, and the STIP is occasionally amended for projects to be programmed in or out of the first four years of the STIP; and

WHEREAS, a list of specific bridges was submitted to, and approved by, the Bridge Enterprise Board for inclusion in the Bridge Enterprise. A number of these bridges have been selected to receive funding from the issuance of FASTER Bridge Bonds, titled Colorado Bridge Enterprise, Taxable Build America Bonds, Series 2010A. These bridges are not included in the current STIP document as Bridge Enterprise projects and need to be amended as such so that the Bridge Enterprise may move forward with design and construction work; and

WHEREAS, it is requested that the Transportation Commission approve these amendments to the STIP which are detailed in the attached table and direct staff to forward this approval to the Federal Highway Administration and the Federal Transit Administration for concurrence.

NOW, THEREFORE, BE IT RESOLVED, the attached list of Bridge Enterprise projects selected to receive funding from the bond issuance titled Colorado Bridge Enterprise, Taxable Build America Bonds, Series 2010A be amended into the FY2008 – FY2013 STIP and forwarded to the Federal Highway Administration for concurrence.

BE IT FURTHER RESOLVED, after said concurrence is received from the Federal Highway Administration, staff from the CDOT Office of Financial Management and Budget will finalize these amendments in the STIP Database.

Herman Stockinger, Secretary

Discuss and Act on the Resolution authorizing CDOT to negotiate in Conjunction with RFP HAA 11-51-CD

Peggy Catlin stated that the Resolution requests that the Commission approve for CDOT to enter into an agreement with the bidder that provided the best value to the Department for the purposes of constructing and installing fiber and das service on 119 and US 6. She confirmed that proposals were solicited and received and that staff was now requesting approval to enter into a contract with the proposal that is deemed the best value for the department.

Chairman Gruen asked for a motion of approval for the Resolution and Commissioner Erickson made the motion. Commissioner Kaufman seconded the motion. On a vote of the Commission, the Resolution was unanimously approved.

Resolution #TC-1967

Request to enter into an agreement with the proposer to permit non-exclusive access to CDOT ROW for installation of fiber optic telecommunications cable and DAS

Approved by the Transportation Commission on: March 17, 2011

WHEREAS, on July 23, 2009 the Transportation Commission of Colorado approved TC-1756 regarding the Department's request to issue a Request for Proposal (RFP) to solicit proposals from interested companies/parties that desired either to install fiber optic telecommunications cable or to access existing CDOT dark fiber in exchange for a private contribution in accordance with the Public-Private Initiatives Program (PPIP) Act, C.R.S. 43-1-1201 et seq.; and

WHEREAS, on September 30, 2010 the Department issued RFP HAA 11-51-CD requesting competitive sealed proposals pursuant to CRS 24-103-203 from qualified individuals and/or firms (proposer) interested in obtaining non-exclusive longitudinal access to CDOT Rights-of-Way (ROW) on US 6 from Mile Post (MP) 257.08 to MP 271.68 and on SH 119 from MP 0.00 to MP 4.90 "the Corridors" to install fiber optic telecommunications cable and Distributed Antenna Systems (DAS) "cellular radio systems infrastructure" for the proposer's private commercial purposes; and

WHEREAS, RFP HAA 11-51-CD required the proposer to provide commensurate form of private value compensation to CDOT in exchange for the public value of the CDOT ROW on the Corridors and CDOT permitting non-exclusive longitudinal access to the CDOT ROW on the Corridors to install fiber optic telecommunications cable and DAS infrastructure for the proposer's private commercial purposes; and

WHEREAS, RFP HAA 11-51-CD specifically defined compensation as cash compensation and in-kind goods and services preferring in-kind goods and services in the form of twenty-four strand fiber optic telecommunications cable, closed circuit television camera network and real-time trip-travel time infrastructure on the Corridors including maintenance services consisting of; weekly inspection of the fiber optic backbone, replacing or reinstalling knocked down or missing fiber markers, cleaning debris from pull boxes, vaults and manholes, performing locates on all utilities within the Corridors and performing routine and emergency splicing on the fiber optic backbone and all lateral fiber optic connections; and

WHEREAS, on January 6, 2011 the Department received a proposal in response to RFP HAA 11-51-CD; and

WHEREAS, the Department evaluated the proposal in accordance with the PPIP and all applicable terms and conditions contained in RFP 11-51-CD, and believes the proposal is the most advantageous and best value to the Department and recommends that the Transportation Commission authorize the Department to enter into an agreement to permit non-exclusive longitudinal access to CDOT ROW on the Corridors including installation of fiber optic telecommunications cable and DAS infrastructure in exchange for in-kind goods and services.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves the Department's request to enter into an agreement with the proposer which provided the best value for the Department with the intent to permit non-exclusive longitudinal access to CDOT ROW on the Corridors including installation of fiber optic telecommunications cable and DAS infrastructure in exchange for in-kind goods and services.

Herman Stockinger, Secretary

Jennifer Finch stated that the Resolution that staff was requesting the Commission to consider was on page 77. She reported that the program promotes educational and infrastructure construction projects to encourage kids to walk to school. She reported that it is estimated that over 25% of traffic congestion is attributed to parents driving their kids to school. She confirmed that there is a Safe Routes to School Committee that is appointed by the Executive Director and that the Committee meets annually to revue grants and award funds. She said that there are legislative requirements stating that certain percentages go to education projects and some to infrastructure projects. She confirmed that there were also requirements on a division of amounts that need to go to urban areas and rural areas. She reported that there were 52 grant requests this year that were qualified and met the requirements and that only 27 of the requests were recommended for funding. Jennifer mentioned that the project list had been divided into lists A and B and that this was due to the budget situation in Washington, D.C. and that the A list represents funds that there is authorization for and the B list is what is anticipated to be authorized if things go right.

Chairman Gruen asked for a motion of approval for the Resolution and Commissioner Parker made the motion. Commissioner Aden seconded the motion. On a vote of the Commission, the Resolution was unanimously approved.

Resolution #TC-1968 Approval of Year 2011 Safe Routes To School project list

Approved by the Transportation Commission on: March 17, 2011

WHEREAS, in 2004, C.R.S. 43-1-1604 required the Transportation Commission of Colorado to establish and the Colorado Department of Transportation (CDOT) to administer a Safe Routes to School (SRTS) program to distribute federal funds to eligible projects that enable and encourage children K-8 to bicycle and walk to school; and

WHEREAS, in 2005, Rules outlining the Colorado SRTS program were developed by a taskforce consisting of CDOT staff, representatives of the bicycling and pedestrian community, and the Colorado Department of Health and Environment and subsequently the Rules were adopted by CDOT; and

WHEREAS, in 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) established 100 percent federal funding for the SRTS program; and

WHEREAS, an annual Colorado SRTS Advisory Committee was appointed by the CDOT Executive Director to represent teachers, parents, law enforcement, pedestrians, bicyclists, and transportation advisors, as required by State statute, to develop the Colorado SRTS program, to review all applications and to recommend projects for funding; and

WHEREAS, the SRTS Advisory Committee selected projects in February 2011 to recommend to the Commission for approval;

WHEREAS, prioritized "A" and "B" lists were created due to funding uncertainties pending the SAFETEA-LU reauthorization legislation. "A" list projects totaling approximately \$1.7 million will be contracted and funded in 2011. "B" list projects totaling approximately \$800,000 will be contracted, in prioritized order only in the event additional funding beyond the \$1.7 million identified in the "A" list becomes available.

NOW THEREFORE BE IT RESOLVED, the Commission approves the Fiscal Year 2011 SRTS project list, dated March 17, 2011.

BE IT FURTHER RESOLVED, the Commission directs staff to take appropriate steps to amend the STIP, if required, and supplement the budget to be able to proceed with contract development.

Herman Stockinger, Secretary

Transportation Commission of Colorado

Discuss and Act on the Resolution to adopt proposed revisions to State Highway Access Category Assignment Schedule Christine Rees read the following report:

The Colorado Revised statutes directs the Transportation Commission of Colorado to adopt a State Highway Access Code by rule and regulation concerning the management of vehicular access to and from state highways and to and from property adjoining the state highway with such management to be based in part on a functional classification of highways. In 1998, the Commission adopted the State Highway Access Code and in 1999, the Commission subsequently adopted a State Highway Access category assignment schedule which assigned a functional classification category to every segment of the Colorado State Highway system. The access code directs CDOT to initiate a rulemaking proceeding in accordance with the administrative procedures act when a local government makes a request for revisions to access category assignments and the department staff did so in accordance with applicable requirements. On November 18, 2010, via Resolution #1922 the Transportation Commission delegated its authority to Christine Rees as an administrative hearing officer to conduct a rulemaking hearing in accordance with the administrative procedures act. On February 28, 2011, an administrative hearing was held to amend the state highway access category assignment schedule. The purpose of the rulemaking hearing was to review and make recommendations to the Commission for its consideration concerning proposed revisions to the State Highway Access Category Assignment Schedule contained in Title II of the Colorado Code of Regulations 601-0. In addition to the administrative changes detailed in the hearing exhibits, three Highway Category Assignment Schedule Changes were proposed including:

- ➤ A request from the town of Breckenridge to change a segment of State Highway 9 from Rural A to Normal Rural B,
- ➤ A request from CDOT Engineering Region 3 to change the access category of several segments of State Highway 50A
- ➤ A request from CDOT Engineering Region 3 to change an access category assignment schedule segment of State Highway 550

There were no public comments on the proposed rules made at the hearing or provided to staff in writing prior to or at the hearing. I have reviewed the entire record of the proceeding. The record consists of the exhibits and other officially noted matters included in the Transportation Commission Resolution delegating the authority to Christine Rees to conduct the hearing on the Commission's behalf. Based upon the record it is found that all requirement of the Administrative Procedures Act have been satisfied and that there is evidence in the records to support adoption of the Rules and therefore the Transportation Commission has the authority to adopt the proposed rules. You must review the record of this proceeding prior to adopting any rule and any action must be based upon and supported by the record of the proceeding. Pursuant to the Colorado Revised statutes, the Commission may choose to adopt the proposed Resolution on page 85 in the packet.

Chairman Gruen asked for a motion of approval for the Resolution and Commissioner Aden made the motion. Commissioner Rogers seconded the motion. On a vote of the Commission, the Resolution was unanimously approved.

RESOLUTION #TC - 1969

Proposed Revisions to State Highway Access Category Assignment Schedule

Approved by the Transportation Commission on March 17, 2011

WHEREAS, section 43-2-147(4) C.R.S. directs the Transportation Commission of Colorado (Commission) to adopt a state highway access code (Code), by rule and regulation concerning the management of vehicular access to and from state highways from or to property adjoining the state highway with such management to be based in part on a functional classification of highways; and

WHEREAS, in 1998, the Commission adopted the Code and in 1999, the Commission subsequently adopted a State Highway Access Category Assignment Schedule (schedule) which assigned a functional access classification category to every segment of the Colorado State Highway System; and

WHEREAS, the Department staff recommended and revised the Schedule to reflect previous highway abandonment actions, administrative revisions to the highway references, new highway construction projects and to reflect current conditions by staff preparing and submitting proposed revisions deemed necessary to be responsive to local government requests

WHEREAS, the proposed updates to the rules also include the following three highway category assignment schedule changes using the proposed updated Linear Referencing System numbers:

- 1. The Town of Breckenridge requests to change the section of State Highway 9 between the north intersection of State Highway 9 and Main Street (mile point 87.270) and the south intersection of State Highway 9 and Main Street (mile point 86.418) from Rural A (Regional Highway) to Non-Rural B (Non-Rural Arterial); and
- 2. CDOT Engineering Region 3 requests the following changes to State Highway 50A:
 - a. From Ash Mesa Road (mile point 74.026) to 2614 feet east of County Road 17 (mile point 74.521) from NR-A(Non-Rural Principal Highway) to E-X (Expressway);
 - b. From 2614 feet east of County Road 17 (mile point 74.521) to the Olathe Bus Loop (mile point 81.222) from R-A (Regional Highway) to E-X (Expressway); and
 - c. From Falcon Road (mile point 83.492) to County Road JJ (mile point 87.737) within Montrose County from R-A (Regional Highway) to E-X (Expressway).

d. From Montrose County Road JJ (mile point 87.737) to N 9th Street in Montrose (mile point 92.215) from R-A (Regional Highway) to N-RA (Non-Rural Principal Highway)

e. From N. 9th Street in Montrose (mile point 92.215) to Hillcrest Drive in Montrose (mile point 94.098) from N-RB (Non-Rural

Arterial) to N-RA (Non-Rural Principal Highway)

f. From Hillcrest Drive (mile point 94.098) to Road N or 6900 Road in Montrose (mile point 97.241) from RA (Regional Highway) to N-RA (Non-Rural Principal Highway); and

3. CDOT Engineering Region 3 requests the following change to State Highway 550 from State Highway 90 (Main Street) (mile post 129.257) to San Juan Avenue (mile point 130.220) from R-A (Regional Highway) to N-RA (Non-Rural Principal Highway).

WHEREAS, on November 18, 2010, the Transportation Commission passed Resolution Number TC- 1922 authorizing an Administrative Hearing Officer to conduct a rulemaking hearing and prepare a complete record of the hearing and recommend new rules based upon evidence presented at the hearing; and

WHEREAS, the rulemaking hearing was conducted on February 3, 2011; no public comments were received; and the Hearing Officer made a complete procedural record of the hearing and the recommended changes to the existing Rules are based upon the evidence presented at the hearing; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission has considered the record and the recommended decision of the Administrative Hearing Officer.

BE IT FURTHER RESOLVED, the Transportation Commission hereby adopts the recommended decision of the Administrative Hearing Officer, making it a final agency decision and adopting all changes to the Rules as prescribed in the record.

Merman Stockinger, Secretary

Discuss and Act on Resolution to Approve the Bridge Enterprise Right of Way Policy

Pam Hutton mentioned that the Resolution had been discussed at the Bridge Enterprise Workshop on Wednesday, March 16, 2011 and that it would allow the Bridge Enterprise to move forward with the acquisition of right of way to continue to construct bridges but, that the right of way that is obtained under the Bridge Enterprise will be titled by the Colorado Department of Transportation. She confirmed that the Resolution states that the Commission finds that the arrangement is appropriate and in the convenience of both the Department of Transportation and the Bridge Enterprise.

Chairman Gruen asked if there were any questions for the Chief Engineer and Commissioner Kaufman made a motion of approval for the Resolution. Commissioner Erickson seconded the motion. On a vote of the Commission, the Resolution was unanimously approved.

Resolution Number TC-1970 Right of Way Policy for Bridge Enterprise

Approved by the Transportation Commission on: March 17, 2011

WHEREAS, The General Assembly created the Bridge Enterprise as a government-owned business within CDOT, pursuant to 43-4-805 C. R. S.; and

WHEREAS, pursuant to 43-4-805 C.R.S., the Bridge Enterprise is to operate as a government-owned business within the Department of Transportation and shall constitute an "enterprise" for purposes of Section 20 of Article X of the Colorado Constitution so long as the Bridge Enterprise retains authority to issue revenue bonds and receives less than ten percent (10%) of its total annual revenues in grants, as defined in C.R.S. 24-77-102(7), from all State and local governments combined; and

WHEREAS, The business purpose of the Bridge Enterprise is to finance, repair, reconstruct, and replace designated bridges in the state; and

WHEREAS, Section 43-4-805(5)(f), C.R.S. authorizes the Bridge Enterprise Board to enter into agreements with the Commission or CDOT; and

WHEREAS, in furtherance of the business purposes of the Bridge Enterprise the Transportation Commission has determined it is necessary and convenient to identify and define Title and Ownership of Real Property purchased by the Bridge Enterprise for Bridge Enterprise Projects; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission declares that Real Property acquired by the Bridge Enterprise for Bridge Enterprise Projects shall be titled in the Name of the Colorado Department of Transportation for the use and benefit of the Colorado Bridge Enterprise.

Herman Stockinger, Secretary

I-70 Revised PEIS Draft Team

Chairman Gruen stated that Chief Engineer Pam Hutton was up first. Pam stated that the Acknowledgement was in regards to the I-70 Revised PEIS Draft and that it had been under study for a number of years. She stated that in the midst of the project it was decided that a formal collaborative effort would be formed to try to identify a preferred alternative. She reported that CDOT and FHWA committed dedicated staff who had demonstrated superior technical knowledge in the needed specialty areas. She confirmed that the staff performed the collaborative work in addition to their regular work load and that they sacrificed a great deal of personal time. Pam declared that the special team was present to be recognized for their innovative and ground breaking technique:

Mickey Ferrell
Michelle Halstead
Jane Hahn
Vanessa Henderson
Sandi Kohrs
Tracy McDonald-Wolf
Scott McDaniel
Carrie Neat
Monica Pavlick
Wendy Wallach
Tony DeVito

Pam presented Certificates to the team and thanked them and the crowd followed with applause. Chairman Gruen stated that on behalf of the Commission, they appreciated the significant job that had been done on the project.

Chairman Gruen introduced Executive Director Don Hunt and stated that he had remarks and recognition for the Alternate Dispute Resolution Process.

Don Hunt stated that he wanted to thank the I-70 team for persevering, contributing outside of their regular day to get the team this close to a Record of Decision.

ADR Task Force

Mr. Hunt reported that there were Achievement Awards for 2 employees involved in the Alternate Dispute Resolution Process and that these employees had done more than their regular jobs and they were willing to step up and do more than that. Don reported that the employees had joined with the Attorney General's Office and Contractor partners to delve into the situation to see what could be done to lessen claims and disputes and to put in a fair process for management. Don introduced Pam to give further details. Pam stated that she couldn't take credit for the program and that Craig Siracusa, former Chief Engineer, had been invited to be present for the Award Presentation. She said that in 2006 a Quality Assurance Review looked at the Claims process and recommended changes. She said that Craig Siracusa formed a task force comprised of CDOT, FHWA, Attorney General's Office and partners in the transportation construction industry and that the task force recommended a process

that was ultimately adopted and had many steps including the use of a Dispute Resolution Board. She confirmed that the use of the Board was to insure that disputes could be solved at the lowest possible level. She reported that in the 5 years before the process was adopted there were 50 of 108 claims that were settled at the project level and 58 required more advanced resolution and that since the adoption of the process in 2008, 37 of 39 disputes were resolved at the project level displaying a huge drop in claims. Pam declared that 2 individuals were instrumental in the collaborative effort in association with the ADR Task Force and its success and that they were being honored for this achievement. She presented the "Service" Achievement Award to: Skip Spear, Assistant Attorney General and Dennis Largent, CDOT Area Engineer the task force co-chairs for their determination and leadership to make the program possible. They received certificates and a round of applause.

<u>Adjournment</u>

Chairman Gruen announced that the meeting was adjourned at 11:05 a.m.

Herman Stockinger, Secretary